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Attorneys for Defendant  
 A&S METALS

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

NATIONAL UNION FIRE INSURANCE  
 COMPANY OF PITTSBURGH,,

Plaintiff,

v.

RESOURCE DEVELOPMENT  
 SERVICES, INC., et al,

Defendant.

CASE NO. C-10-01324 JF

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER EXTENDING TIME FOR  
 DEFENDANT A&S METALS TO  
 ANSWER OR OTHERWISE RESPOND  
 TO COMPLAINT**

**STIPULATION**

WHEREAS plaintiff National Union Fire Insurance Company of Pittsburgh ("National Union") filed its original complaint in this action on March 29, 2010;

WHEREAS defendant A&S Metals of Los Banos, Inc. (incorrectly named in the complaint herein as A& S METALS) (hereinafter "A&S Metals") was not served with a copy of the original complaint;

WHEREAS plaintiff National Union filed a First Amended Complaint on June 1, 2010;

WHEREAS defendant A&S Metals was served with a copy of the First Amended Complaint on or about July 9, 2010;

WHEREAS defendant A&S Metals recently retained counsel to represent them in this matter;

1 WHEREAS counsel for defendant A&S Metals require additional time to review the First  
2 Amended Complaint and prepare an answer or other response thereto;

3 WHEREAS plaintiff's counsel does not object to extending the time in which defendant  
4 A&S Metals may answer or otherwise respond to the First Amended Complaint;

5 WHEREAS the next hearing in this matter is presently scheduled for November 5, 2010,  
6 and at which hearing this Honorable Court will rule upon the pending motions to dismiss the  
7 First Amended Complaint and/or for more definite statement filed by and/or joined in by  
8 multiple defendants;

9 IT IS HEREBY AGREED AND STIPULATED that should this Court DENY the  
10 pending motions to dismiss the First Amended Complaint and/or for more definite statement,  
11 that the deadline by which A&S Metals must answer or otherwise respond to the First Amended  
12 Complaint shall be November 9, 2010; and

13 IT IS FURTHER HEREBY AGREED AND STIPULATED that should this Court  
14 GRANT the pending motions to dismiss the First Amended Complaint and/or for more definite  
15 statement, that defendant A&S Metals will have 21 days from service of the Second Amended  
16 Complaint to answer or otherwise respond to the Second Amended Complaint.

17 IT IS SO STIPULATED.

18 Dated: September 16, 2010

FENTON & KELLER

19  
20 By: 

Dennis G. McCarthy  
Attorneys for Defendant  
A&S METALS

21  
22  
23 Dated: September \_\_, 2010

ROPER, MAJESKI, KOHN & BENTLEY

24  
25 By: \_\_\_\_\_

ERNEST E. PRICE  
ARNOLD E. SKLAR  
EUGENE S. SUH  
Attorneys for Plaintiffs  
NATIONAL UNION FIRE INSURANCE

WHEREAS counsel for defendant A&S Metals require additional time to review the First Amended Complaint and prepare an answer or other response thereto;

WHEREAS plaintiff's counsel does not object to extending the time in which defendant A&S Metals may answer or otherwise respond to the First Amended Complaint;

WHEREAS the next hearing in this matter is presently scheduled for November 5, 2010, and at which hearing this Honorable Court will rule upon the pending motions to dismiss the First Amended Complaint and/or for more definite statement filed by and/or joined in by multiple defendants;

IT IS HEREBY AGREED AND STIPULATED that should this Court DENY the pending motions to dismiss the First Amended Complaint and/or for more definite statement, that the deadline by which A&S Metals must answer or otherwise respond to the First Amended Complaint shall be November 9, 2010, and

IT IS FURTHER HEREBY AGREED AND STIPULATED that should this Court GRANT the pending motions to dismiss the First Amended Complaint and/or for more definite statement, that defendant A&S Metals will have 21 days from service of the Second Amended Complaint to answer or otherwise respond to the Second Amended Complaint.

IT IS SO STIPULATED.

Dated: September 16, 2010

FENTON & KELLER

By: 

Dennis G. McCarthy  
Attorneys for Defendant  
A&S METALS

Dated: September 16, 2010

ROPER, MAJESKI, KOHN & BENTLEY

By: 

ERNEST E. PRICE  
ARNOLD E. SKLAR  
EUGENE S. SUH  
Attorneys for Plaintiffs  
NATIONAL UNION FIRE INSURANCE

ORDER

By stipulation, and for good cause shown, it is hereby ordered that should this Court deny the pending motions to dismiss the First Amended Complaint and/or for more definite statement, that the deadline by which defendant A&S Metals must answer or otherwise respond to the First Amended Complaint shall be November 9, 2010; and should this Court grant the pending motions to dismiss the First Amended Complaint and/or for more definite statement, that defendant A&S Metals will have 21 days from service of the Second Amended Complaint to answer or otherwise respond to the Second Amended Complaint.

IT IS SO ORDERED.

Dated: September 27, 2010

  
JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE